
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Appropriations to Engrossed House Bill No. 125 by Representative Echols

AMENDMENT NO. 1On page 5, line 13, after "to" and before "civil" insert "divestiture or"AMENDMENT NO. 2

On page 6, between line 4 and line 5, insert the following:

"(10)(a) If, after examining the evidence, the attorney general concludes that a violation of this Section occurred, the attorney general shall order the foreign adversary to divest himself of all interests in the land within ninety days after service of the order upon the foreign adversary.

(b) The order of divestiture, as described in Subparagraph (a) of this Paragraph, shall be served personally or by mail.

(11)(a) If the holder of the interest that is ordered to be divested disputes the determination of the attorney general that a violation of this Section occurred, the holder may submit a written request for a judicial determination to the attorney general.

(b) The written request, as described in Subparagraph (a) of this Paragraph, shall be delivered to the attorney general within sixty days after service of the order of divestiture. If no written request is received within this time, the determination of the attorney general shall become final.

(12)(a) If the foreign adversary fails to divest himself of all interests pursuant to Subparagraph (10)(a) of this Subsection or if a holder of the interest submits a written request pursuant to Paragraph (11) of this Subsection, the attorney general shall bring an action to divest the interest.

(b) The attorney general may initiate a civil action pursuant to this Section in either the parish of East Baton Rouge or a parish where a portion of the immovable property is located.

(c) The attorney general shall record in the public mortgage records of the parish clerk of court of each parish in which any portion of the immovable property is located a notice of pendency of the action pursuant to Book 7, Title 2, Chapter 4 of the Code of Civil Procedure.

(13) If the holder of the interest in immovable property has submitted a written request pursuant to Paragraph (11) of this Subsection, the court shall conduct an evidentiary hearing to determine, by a preponderance of the evidence, if a violation of this Section occurred, prior to taking any other action. If the court determines that there has been no violation, the court shall dismiss the action and expunge the notice of pending action.

(14) If a court of competent jurisdiction determines that a violation of this Section occurred, the court shall order that such immovable property be sold by the sheriff in the parish where the immovable property is located in the same manner as a judicial sale in accordance with the requirements of Book 4, Title 2, Chapter 2 of the Code of Civil Procedure."

1 AMENDMENT NO. 3

2 On page 6, at the end line 10, after "by" change "a" to "the"

3 AMENDMENT NO. 4

4 On page 6, at the beginning of line 11, after "forfeiture" delete the remainder of the line and
5 insert a comma "," and "seizure, or divestiture provisions of this Section."

6 AMENDMENT NO. 5

7 On page 6, delete lines 12 through 14 in their entirety

8 AMENDMENT NO. 6

9 On page 6, between lines 21 and 22, insert the following:

10 "(5) Notice of pending forfeiture, seizure, or divestiture shall be provided by the
11 attorney general to the holder of each mortgage, lien, or security interest in the same
12 manner as provided in R.S. 40:2608(3) or R.S. 14:90.1(B)(3)."

13 AMENDMENT NO. 7

14 On page 6, line 22, after "a" delete "buyer as a" and insert "party to or person affiliated with
15 a transaction as a foreign adversary or person connected with the"

16 AMENDMENT NO. 8

17 On page 6, at the beginning of line 23, change "additional" to "any"

18 AMENDMENT NO. 9

19 On page 6, line 24, after "lender," change "or" to "mortgage servicer," and after "attorney"
20 insert a comma "," and "or any of their directors, officers, or employees,"

21 AMENDMENT NO. 10

22 On page 6, line 26, after "lender," change "or" to "mortgage servicer," and after "attorney"
23 insert a comma "," and "or any of their directors, officers, or employees"